



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: East County Sand Mine

RECORD ID: PDS2009-3300-09-016 (MUP), PDS2009-3300-09-001 (RP)

ENVIRONMENTAL LOG NO.: 09-14-008

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for air quality, biology, drainage, cultural resources, fire protection, geology & soils, greenhouse gas, groundwater, noise, traffic, and vector control.

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2a. Required Mitigation Measures for **Major Use Permit P09-016:**

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. AESTHETICS**1. LANDSCAPE DOCUMENTATION PACKAGE**

INTENT: In order to provide adequate Landscaping that screens the property during both the extraction and reclamation phases, and to comply with the Lakeside Design Guidelines, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the COSD Grading Ordinance, and the Lakeside Design Guidelines. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: All landscape improvements shall be per the final Conceptual Landscape Plans, Sheets 14-16 of the MUP Plot Plan.
- i. Box trees may be permissible in lieu of planted trees provided screening heights are achieved.
- j. Any existing pepper trees may remain outside of any biological mitigation areas identified within this permit. No new pepper trees are permitted to be planted or brought in as box trees.

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

2. CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping that that screens the property during both the extraction and reclamation phases, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance, the Lakeside Design Guidelines, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be located and/or installed pursuant to the approved Landscape Documentation Package for both extraction and reclamation phases. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP].

DOCUMENTATION: The applicant shall submit to the [PDS, LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

3. FENCING [PDS, PCC], [OG]

INTENT: In order to protect the mine site from entry and to mitigate potential visual impacts, fencing with screen fabric shall be required along the perimeter of the mine site. **DESCRIPTION OF REQUIREMENT:** A 6-foot tall chain link fence with screen fabric shall be installed and maintained as specified on the Plot Plan.

DOCUMENTATION: No documentation is necessary. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the excavation and reclamation, compliance with this condition is mandatory.

MONITORING: The PDS, PCC shall review for compliance with this condition.

B. BIOLOGICAL RESOURCES

4. BIO#1–WETLAND PERMITS [PDS, FEE X2]

INTENT: In order to comply with the State and Federal Regulations for wetlands, the following agency permits, or verification that they are not required shall be obtained.

DESCRIPTION OF REQUIREMENT: The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the [California Department of Fish and Wildlife](#) for all project related disturbances of any streambed.

DOCUMENTATION: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [PDS, PCC] for compliance. **TIMING:** Prior to use in reliance of this permit, permits shall be obtained. **MONITORING:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

5. BIO#2–RESOURCE AVOIDANCE FOR LEAST BELLS VIREO [PDS, FEE X2]

INTENT: In order to avoid impacts to least Bell's vireo, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO) and the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within least Bell's vireo habitat during the breeding season of the least Bell's vireo. The breeding season is defined as occurring between March 15th and September 15th. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no least Bell's vireo are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter."

6. BIO#3–RESOURCE AVOIDANCE FOR YELLOW WARBLER AND OTHER NESTING MIGRATORY BIRDS [PDS, FEE X2]

7. **INTENT:** In order to avoid impacts to yellow warbler and other nesting migratory birds, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within sensitive habitat during the breeding season of the yellow warbler and other nesting migratory birds. The breeding season is defined as occurring between February 15th and August 31st. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no

yellow warbler and other nesting migratory birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

8. BIO#4–RESOURCE AVOIDANCE FOR TREE NESTING RAPTORS [PDS, FEE X2]

- 9. INTENT:** In order to avoid impacts to raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within or adjacent to raptor breeding habitat during the breeding season of raptors. The breeding season is defined as occurring between January 15th and July 15th. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

10. BIO#5–REVEGETATION PLAN

INTENT: In order to mitigate for impacts to southern willow scrub, mule fat scrub, disturbed riparian scrub, disturbed wetland and non-native grassland, which are sensitive biological resources pursuant to the Biological Mitigation Ordinance (BMO), revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan, shall be prepared, which mitigates impacts to southern willow scrub, mule fat scrub, disturbed riparian scrub, disturbed wetland and non-native grassland.

Prior to each phase identified below, the following revegetation must occur and meet success criteria identified within the revegetation plan:

1. **Prior to Extraction Associated with Phase 2:** The revegetation shall result in the creation of 2.69 acres of wetlands and shall occur in Area 1R-B as shown on the approved plot plan.

2. **Prior to Extraction Associated with Phase 3:** The revegetation shall result in the creation of 1.02 acre of wetlands and shall occur in Area 2R as shown on the approved plot plan.
3. **Prior to Extraction Associated with Phase 4:** The revegetation shall result in the creation of 1.73 acres of wetlands and shall occur in Area 3R as shown on the approved plot plan.
4. **Prior to Final Reclamation:** The revegetation shall result in the creation of 3.3 acres of wetlands and shall occur in Area 5R and offsite as shown on the approved plot plan.

The revegetation plan shall conform to the Conceptual Revegetation and Wetland Mitigation and Monitoring Plan and the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of five years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director PDS. The preservation plan must also include the dedication of wetland buffers as illustrated in Figure 7 of the approved Biological Impact Analysis Report.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review. The costs should be broken down by phase.
- f. The financial assurances for the revegetation are only required to include the costs for the next phase of revegetation as the project progresses. During phase 1 of mining, costs to revegetate the site prior to phase 2 excavation is required. During phase 2 of mining, the cost to revegetate the site prior to phase 3 is required. During phase 3 of mining, the cost to revegetate the site prior to phase 4 of mining is required. During phase 4 of mining and until final revegetation is accomplished, the cost for revegetation prior to final reclamation is required.

DOCUMENTATION: The applicant shall prepare the Revegetation Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to extraction associated with Phase 2, the Revegetation Plan shall be approved. Additionally, prior to extraction associated with Phase 2, Phase 3, Phase 4, and prior to final reclamation, revegetation shall be established in

accordance with acreage and locations specified in the Description of Requirement above. **MONITORING:** The [PDS, LA] shall review the Revegetation Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant.

11. BIO#6—REVEGETATION MONITORING [PDS, PCC], [PC]

- 12. INTENT:** To ensure revegetation meets revegetation performance standards, a monitoring letter report shall be required after each phase of revegetation is completed.
- DESCRIPTION OF REQUIREMENT:** After each area of the site has been re-vegetated and established in accordance with the Reclamation Plan/Revegetation Plan requirements for revegetation, a letter report shall be provided by a Biologist with experience in revegetation projects. The letter report shall summarize whether the area that was revegetated has met the revegetation performance standards contained within the Reclamation Plan including survivorship, species richness, and percent cover. The revegetation site(s) shall be identified on a map and tested to assure that standards are adequately achieved to within a minimum of 80% confidence interval. The report should further document that the revegetated area(s) meet success criteria identified within the Revegetation Plan. **DOCUMENTATION:** A revegetation monitoring letter report shall be prepared by a Biologist with experience in revegetation projects and submitted to PDS PCC. **TIMING:** After any area of the site has been revegetated in accordance with the revegetation performance standards, a letter report shall be submitted to PDS PCC. After the final area(s) of the site have been revegetated in accordance with the revegetation performance standards, a letter report shall be submitted to PDS PCC. **MONITORING:** The PDS PCC shall review the revegetation monitoring letter report to verify whether revegetation areas achieve the success standards for vegetative cover that are described within the Reclamation Plan/Revegetation Plan.

C. CULTURAL RESOURCES

13. PALEO#1—PALEONTOLOGICAL MONITORING [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to paleontological resources on the project site, a monitoring program during grading, trenching or other excavation into native alluvial materials beneath the soil horizons and a fossil recovery program, if significant paleontological resources are encountered, shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Paleontological Resources. **DESCRIPTION OF REQUIREMENT:** Monitoring for paleontological resources is required by a Standard Monitor that is designated for the project. During initial cutting, grading, or excavation of substratum, if any fossil of greater than twelve inches in any dimension, including circumference is encountered, grading in the area where the fossil was found shall be suspended immediately. The County's Permit Compliance Coordinator shall be notified, and a County approved Paleontologist shall be retained by the applicant to evaluate the significance of the find. The Paleontologist shall salvage, clean, and curate the fossil(s), and to document the find.

A detailed report shall be prepared by the Project Paleontologist. The report shall comply with the [County of San Diego's Guidelines for Determining Significance for Paleontological Resources](#). The report shall identify which accredited institution has agreed to accept the curated fossils and include proof of the Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of

the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution.”

DOCUMENTATION: The Project Paleontologist shall prepare the report and submit it to the [PDS, PCC] for approval. If resources were discovered then the applicant shall complete the following:

- a. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and
- b. The applicant shall Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the [PDS, PCC] for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.

TIMING: The report shall be submitted within 90 days of discovery of any fossil greater than 12-inches in size. **MONITORING:** If fossils were found, mitigation will be deemed complete when a final report prepared by the Project Paleontologist, and a letter from the accredited institution stating that the fossil has been received and accepted, are received by the County’s Permit Compliance Coordinator.

D. NOISE

14.NOISE#1-ON GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]

INTENT: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements:

- a. Major Use Permit and Reclamation Plan associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404.
- b. The operations of any mining equipment and materials processing associated with this Major Use Permit and Reclamation Plan shall conform to the sound level limits for extractive industry uses pursuant to Section 36.404e.

DOCUMENTATION: The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person’s right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this mining operation and permit. **MONITORING:** The [PDS, CODES] is responsible for enforcement of this permit.

15.NOISE#2-CRUSHER AND SCREEN OPERATIONS-SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]

INTENT: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of

this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements:

- a. The screen, belt, crusher, and washer operations shall not occur before 7 a.m.
- b. The jaw crusher, cone crusher (or equivalent type of equipment) and sand screen shall not be located within 200 feet of any noise sensitive land use property line.
- c. The crusher system and the separate sand screen operations shall not operate simultaneously if either is within 400 feet of a noise sensitive land use property line.
- d. When physically and feasibly possible, locate the crushers and sand screening operations so that stockpiled materials would help screen and shield noise to nearest noise sensitive land use property lines.

DOCUMENTATION: The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this mining operation and permit. **MONITORING:** The [PDS, CODES] is responsible for enforcement of this permit.

16. NOISE#3-NOISE MONITORING: [PDS, PPD] [PDS, PCO] [OG].

INTENT: In order to monitor the project's noise sources, and to comply with the [County of San Diego Noise Ordinance and County of San Diego General Plan Noise Element](#), a Noise Mitigation Monitoring Program (MMP) shall be continued for the life of this permit. **DESCRIPTION OF REQUIREMENT:** Implement the MMP for the proposed project to the satisfaction of the Director of Planning & Development Services. The implementation shall be substantially consistent with the approved noise mitigation and monitoring plan in the Noise Report prepared by LDN Consulting dated September 13, 2013 under Case No. 3300-09-016 (MUP). Implementation shall include the following:

- a. **Semi-Annual Submittals and Funding:** Every six months (semi-annual), a noise testing and monitoring shall be conducted along the residential project property lines to ensure design noise levels are maintained during on-going operations. The results of the noise tests and monitoring shall be submitted in a written report to the County Department of Planning and Development Services. The quarry operator shall fund the noise testing and County's staff time and material to review the results of the noise tests and monitoring report.
- b. **Minimum 30 Minute Measurement Periods:** The noise measurements and testing shall be taken for a minimum period of 30 minutes during normal mining and processing operating hours while most on-site equipment is in operation, including but not limited to: materials processing, crusher and sand screen operations, etc.

- c. **Approved Noise Consultant:** The noise testing and monitoring protocol shall be conducted in accordance with the County's Noise Ordinance and performed by a County approved acoustical consultant.
- d. **Noise Monitoring Locations:** The noise monitoring/receptor locations shall be conducted similar to areas identified within page 38 of the Noise Assessment Report prepared by LDN Consulting dated September 30, 2013 under file no. 3300-09-016 (MUP).
- e. **Noise Level Exceedance:** If the design noise levels are not met, the quarry operator would have 60 days to correct the problem. If after 60 days the problem has not been corrected, the quarry operator would only be allowed to operate equipment which will meet the design noise levels pursuant to the County Noise Ordinance and County Noise Element. Additional or more frequent noise monitoring may also be required by the County.
- f. If new information is provided to prove and certify that the mining and excavation operations are complete and the reclamation operations alone would comply with County noise standards, then a new noise analysis/certification maybe reviewed to the satisfaction of the *[PDS, PCC]*. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the addition/ reduction of noise measures maybe approved if the construction activities related to reclamation operations would not create noise greater than 75 dB at the property line as indicated above. This new information may substitute the semi-annual submittal noise testing and monitoring condition to the satisfaction of the Director of Planning and Development Services.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of the MMP and this condition. If the permittee or property owner chooses to modify or deviate from the MMP in any way, they must obtain approval from the County *[PDS, County Noise Specialist]*, or apply for a Modification of this permit pursuant to the County of San Diego Zoning Ordinance.. **TIMING:** Upon establishment of the use, the MMP shall be complied with for the term of this permit. **MONITORING:** The *[PDS, County Noise Specialist]* shall review all MMP reports shall ensure that the project complies with on-going noise conditions. The *[PDS, Code Compliance Division]* is responsible for enforcement of this permit.

E. TRANSPORTATION

17. ROADS#3–TRANSPORTATION IMPACT FEE

INTENT: In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the [Transportation Impact Fee \(TIF\) Ordinance Number 77.201-77.223](#), the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The TIF shall be paid pursuant to the [County TIF Ordinance number 77.201-77.223](#). The fee paid shall be the Select Industrial category and use 276 ADT per approved MUP and final amount calculated pursuant to the ordinance. **DOCUMENTATION:** The applicant shall pay the TIF at the *[PDS, ZONING]* and provide a copy of the receipt to the *[PDS, BD]* at time of

permit issuance. The cost of the fee shall be calculated at time of payment. **TIMING:** Prior to use of the premises in reliance of this permit, the TIF shall be paid. **MONITORING:** The [PDS, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [PDS, BD] shall verify that the TIF has been paid prior to use of the premises in reliance of this permit.

18.ROADS#5–TRAFFIC CONTROL PLAN

INTENT: In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of DPW. **DOCUMENTATION:** The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to use of the premises in reliance of this permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

19.ROADS#6-HAUL ROUTE PLAN

INTENT: In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

- a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and offsite County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
- c. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

DOCUMENTATION: The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement

for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to use of the premises in reliance of this permit, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

2a. Required Mitigation Measures for **Reclamation Plan RP09-016:**

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. BIOLOGICAL RESOURCES

1. BIO#1–REVEGETATION PLAN

INTENT: In order to mitigate for impacts to southern willow scrub, mule fat scrub, disturbed riparian scrub, disturbed wetland and non-native grassland, which are sensitive biological resources pursuant to the Biological Mitigation Ordinance (BMO), revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan, shall be prepared, which mitigates impacts to southern willow scrub, mule fat scrub, disturbed riparian scrub, disturbed wetland and non-native grassland.

Prior to each phase identified below, the following revegetation must occur and meet success criteria identified within the revegetation plan:

1. **Prior to Extraction Associated with Phase 2:** The revegetation shall result in the creation of 2.69 acres of wetlands and shall occur in Area 1R-B as shown on the approved plot plan.
2. **Prior to Extraction Associated with Phase 3:** The revegetation shall result in the creation of 1.02 acre of wetlands and shall occur in Area 2R as shown on the approved plot plan.
3. **Prior to Extraction Associated with Phase 4:** The revegetation shall result in the creation of 1.73 acres of wetlands and shall occur in Area 3R as shown on the approved plot plan.
4. **Prior to Final Reclamation:** The revegetation shall result in the creation of 3.3 acres of wetlands and shall occur in Area 5R and offsite as shown on the approved plot plan.

The revegetation plan shall conform to the Conceptual Revegetation and Wetland Mitigation and Monitoring Plan and the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of five years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director PDS. The

- preservation plan must also include the dedication of wetland buffers as illustrated in Figure 7 of the approved Biological Impact Analysis Report.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
 - d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
 - e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review. The costs should be broken down by phase.
 - f. The financial assurances for the revegetation are only required to include the costs for the next phase of revegetation as the project progresses. During phase 1 of mining, costs to revegetate the site prior to phase 2 excavation is required. During phase 2 of mining, the cost to revegetate the site prior to phase 3 is required. During phase 3 of mining, the cost to revegetate the site prior to phase 4 of mining is required. During phase 4 of mining and until final revegetation is accomplished, the cost for revegetation prior to final reclamation is required.

DOCUMENTATION: The applicant shall prepare the Revegetation Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to extraction associated with Phase 2, the Revegetation Plan shall be approved. Additionally, prior to extraction associated with Phase 2, Phase 3, Phase 4, and prior to final reclamation, revegetation shall be established in accordance with acreage and locations specified in the Description of Requirement above. **MONITORING:** The [PDS, LA] shall review the Revegetation Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant.

2. BIO#2-FINAL REVEGETATION [PDS, PCC], [PC]

INTENT: To ensure revegetation meets revegetation performance standards, a monitoring letter report shall be required prior to release of financial assurances.

DESCRIPTION OF REQUIREMENT: After each area of the site has been re-vegetated and established in accordance with the Reclamation Plan/Revegetation Plan requirements for revegetation, a letter report shall be provided by a Biologist with experience in revegetation projects. The letter report shall summarize whether the area that was revegetated has met the revegetation performance standards contained within the Reclamation Plan including survivorship, species richness, and percent cover. The revegetation site(s) shall be identified on a map and tested to assure that standards are adequately achieved to within a minimum of 80% confidence interval. The report should further document that the revegetated area(s) meet success criteria identified within the Revegetation Plan. **DOCUMENTATION:** A revegetation monitoring letter report shall be prepared by a Biologist with experience in revegetation projects and submitted to PDS

PCC. **TIMING:** After any area of the site has been revegetated in accordance with the revegetation performance standards, a letter report shall be submitted to PDS PCC. After the final area(s) of the site have been revegetated in accordance with the revegetation performance standards, a letter report shall be submitted to PDS PCC. **MONITORING:** The PDS PCC shall review the revegetation monitoring letter report to verify whether revegetation areas achieve the success standards for vegetative cover that are described within the Reclamation Plan/Revegetation Plan. Financial assurances shall not be released until revegetated areas meet the success criteria within the Revegetation Plan text.

B. GEOLOGY AND SOILS

3. GEO#1-SLOPE STABILITY AND ROCKFALL HAZARDS [PDS, PCC], [OG]

INTENT: In order to ensure adequate public health and safety throughout the duration of this mining project, a geotechnical investigation to evaluate slope stability and/or potential rockfall hazard shall be prepared if determined to be necessary.

DESCRIPTION OF REQUIREMENT: If signs of potential slope instability and/or potential rock fall hazards are observed during a County site inspection or from other substantial evidence brought to the County's attention, a slope stability analysis and/or rockfall potential inspection shall be performed and documented by a California Professional Geologist or Engineer, and appropriate mitigation measures applied, if necessary. The specific requirements to be included within the geotechnical investigation will be specified by the PDS PCC at the time it is requested.

DOCUMENTATION: A geotechnical investigation shall be prepared by a California Professional Geologist or Engineer and submitted to PDS PCC. If mitigation measures are recommended in the geotechnical investigation, a report documenting that mitigation measures have been adequately completed in accordance with the mitigation recommendations within the geotechnical report shall be prepared after the mitigation measures have been completed. The report would be prepared by a California Professional Geologist or Engineer and submitted to PDS PCC. **TIMING:** The timing of the submittal of the geotechnical investigation and/or mitigation completion report will be determined by the County at the time it is requested. **MONITORING:** The PDS PCC shall review and verify the adequacy of the geotechnical investigation report and any reports indicating mitigation measures have been completed.

C. NOISE

4. NOISE#1-NOISE MONITORING: [PDS, PPD] [PDS, PCO] [OG].

INTENT: In order to monitor the project's noise sources, and to comply with the [County of San Diego Noise Ordinance and County of San Diego General Plan Noise Element](#), a Noise Mitigation Monitoring Program (MMP) shall be continued for the life of this reclamation plan permit. **DESCRIPTION OF REQUIREMENT:** Implement the MMP for the proposed project to the satisfaction of the Director of Planning & Development Services. The implementation shall be substantially consistent with the approved noise mitigation and monitoring plan in the Noise Report prepared by LDN Consulting dated September 13, 2013 under Case No. 3300-09-016 (MUP). Implementation shall include the following:

- a. **Semi-Annual Submittals and Funding:** Every six months (semi-annual), a noise testing and monitoring shall be conducted along the residential project

- property lines to ensure design noise levels are maintained during on-going operations. The results of the noise tests and monitoring shall be submitted in a written report to the County Department of Planning and Development Services. The quarry operator shall fund the noise testing and County's staff time and material to review the results of the noise tests and monitoring report. Please refer to the Major Use Permit 3300-09-019 Condition Noise#3 titled Noise Monitoring for details.
- b. If new information is provided to prove and certify that the mining and excavation operations are complete and the reclamation operations alone would comply with County noise standards, then a new noise analysis/certification maybe reviewed to the satisfaction of the *[PDS, PCC]*. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the addition/ reduction of noise measures maybe approved if the construction activities related to reclamation operations would not create noise greater than 75 dB at the property line as indicated above. This new information may substitute the semi-annual submittal noise testing and monitoring condition to the satisfaction of the Director of Planning and Development Services.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of the MMP and this condition. If the permittee or property owner chooses to modify or deviate from the MMP in any way, they must obtain approval from the County *[PDS, County Noise Specialist]*, or apply for a Modification of this permit pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Prior to final reclamation and upon completion of all mining and excavation operations, the reclamation operations alone shall be monitored pursuant to this condition unless a supplemental noise analysis is provided demonstrating Noise Ordinance compliance per the satisfaction of the Direct of PDS. **MONITORING:** The *[PDS, County Noise Specialist]* shall review all MMP reports shall ensure that the project complies with on-going noise conditions. The *[PDS, Code Compliance Division]* is responsible for enforcement of this permit.

3a. Critical Project Design Elements That Must Become Conditions of Approval for **Major Use Permit P09-16:**

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

1. GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay

off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2-RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. DRNG#1-FLOODPLAIN COMPLIANCE

INTENT: To protect persons and property from harm in an area of special flood hazard and to allow for flood hazard insurance at current rates in the unincorporated County by ensuring compliance with the more restrictive of the [Flood Damage Prevention Ordinance, Section 811.101](#), et seq. of the [San Diego County Code, of Regulatory Ordinances \(County Code\)](#) or the [National Flood Insurance Program requirements set forth at 44 Code of Federal Regulations, \(CFR\)](#) Section 60.1 et seq. References to the 44 CFR Section 60.1 et seq. are for convenience only and are not intended to limit the applicability of other federal laws or regulations that comprise the National Flood Insurance Program.

DESCRIPTION OF REQUIREMENT: The project site is located within an AE FEMA Flood Zone as indicated on FEMA Flood Insurance Rate Map (FIRM) map panel #06073C1393G. FEMA mapped AE Zones are required to be developed and used in accordance with restrictions set forth in the County's Flood Damage Prevention Ordinance for "special flood hazard areas." Any change to the base flood depths or floodplain boundary including those caused by the placement of fill or other construction would require a Conditional Letter of Map Revision (CLOMR) and subsequent Letter of Map Revision (LOMR) from FEMA in accordance with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 503 \(b\)\)](#).

DOCUMENTATION: The applicant shall provide copies of the CLOMR letter to the County [PDS, LDR] in accordance with §811.503(b) of the Flood Damage Prevention Ordinance. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the CLOMR shall be approved. **Monitoring:** If the applicant obtains a CLOMR and LOMR as indicated above, the [PDS, LDR] shall review the CLOMR and LOMR for compliance with this condition

4. DRNG#2–FLOWAGE EASEMENT VACATION

INTENT: In order to prevent the obstruction of flowing water in the watershed, and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), an existing flowage easement shall be vacated. **DESCRIPTION OF REQUIREMENT:** Vacate an existing flowage easement (as shown on document number 90-426433 dated 08-03-90) after the approval of CLOMR.

Documentation: The applicant shall complete the following to vacate the existing flowage easement as indicated above:

- a. Easement vacation to be coordinated through Department of General Services, Real Property, as a separate document. Easement shall not be vacated on the map. All fees to be paid by applicant.
- b. Easement vacation shall be timed to occur after the FEMA CLOMR has been approved.

TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easement shall be vacated. **MONITORING:** The [PDS, LDR] shall verify that the flowage easement has been vacated. The Department [PDS, LDR] shall review that that the easements comply with this condition.

5. ROADS#1–IRREVOCABLE OFFER OF DEDICATION

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), and the [Community Trails Master Plan](#), an irrevocable offer of dedication (IOD) for road purposes shall be granted to the County. **DESCRIPTION OF REQUIREMENT:**

- a. Execute an Irrevocable Offer to Dedicate (IOD) real property for public road purposes, to the County of San Diego. The IOD shall provide a one-half right-of-way width of thirty-two feet (32') from the ultimate centerline, plus slope rights and drainage easements for *Moreno Avenue (SC 1772)* along the frontage of the project.
- b. The IOD shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of Planning & Development Services.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [PDS, LDR] for review. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the IOD shall be executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the IOD documents for recordation, and forward the recorded copies to [PDS, LDR], for review and approval. The [PDS, LDR] shall review the IOD to assure compliance with this condition

6. ROADS#2–RELINQUISH ACCESS

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) access shall be relinquished. **DESCRIPTION OF REQUIREMENT:** Relinquish access rights onto Moreno Avenue (SC 1772) with the exception of the driveways as shown on the approved plot plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the two access point(s) are permitted along Moreno Avenue as indicated on the approved plot plan. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

7. ROADS#4–ANNEX TO LIGHTING DISTRICT

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County of San Diego Board Policy I-18](#), and [The County of San Diego Public Road Standards](#), the property shall transfer into the lighting district. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, final grading release, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

8. TRAILS#1–TRAIL IRREVOCABLE OFFER OF DEDICATION

INTENT: In order to promote orderly development and to comply with the [Community Master Trails Plan](#), the applicant shall dedicate an Irrevocable Offer of Dedication (IOD) for a non-motorized multi-use trail. **DESCRIPTION OF REQUIREMENT:** Dedicate by separate document to the County of San Diego, a 15' non-motorized public use trail IOD as shown on the approved Plot Plan. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the IOD submit them to [DGS, RP], and pay all applicable fees. **TIMING:** Prior to obtaining any building or other permit pursuant to this Permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall dedicate the trail easement to the County by separate document. **MONITORING:** Upon submittal of the easement legal description(s), application and fees, [DGS, RP] shall review the documents and application for approval, and provide send documents to [DPR, TC] and [PDS TC, PCC] for pre-approval and acceptance of the Irrevocable Offer of Dedication. A copy of the IOD document(s) shall be transmitted to [DPR, TC] and [PDS, PCC] for determining compliance with this condition.

EXTRACTION ACTIVITIES: (Prior and prior to extraction including clearing, grubbing, trenching, grading, or any land disturbances).

- 9. HAZ#1–SOIL REMEDIATION: [PDS, PCC] [DEH, SAM] [GP, CP, UO] [PDS, FEE X 2]. Intent:** In order to remediate any potentially contaminated soils caused by the storage of debris, trash, waste materials, above-ground storage tanks, and 55-gallon drums as identified in the approved Environmental Site Assessment (ESA) prepared by Geosoils, Inc, dated March 12, 2009, remediation under the supervision of the Department of Environmental Health (DEH), [Site Assessment and Mitigation Program \(SAM\)](#) is required. **Description of Requirement:** An environmental consulting company shall prepare a Soil Management Plan (SMP), for the remediation of hazardous materials as identified above. The plan shall be prepared and implemented pursuant to the [DEH SAM Manual](#) under direction from the DEH [Site Assessment and Mitigation Program \(SAM\)](#):
- a. Enrollment in the DEH, [Voluntary Assistance Program \(VAP\)](#) is required. If contamination is found to be from an underground storage tank (UST) then enrollment in the DEH, [Local Oversight Program \(LOP\)](#) is required in lieu of enrollment in the VAP. All soil remediation shall be completed under supervision of the SAM/VAP or LOP as required.
 - b. All required grading work shall comply with the [County of San Diego Grading Ordinance 87.101 et. al.](#) If a grading permit is required for the remediation work, it shall be issued for the remediation work only.
 - c. All trash, debris, and waste materials shall be removed from the property, and the existing above-ground storage tanks, 55-gallon drums, in accordance with current local, state, and federal disposal regulations.
 - d. All buried septic systems shall be removed or abandoned following DEH guidelines.
 - e. All water wells not proposed for future use shall be abandoned in accordance with local and state regulations.
 - f. If the remediation work will take an enormous amount of time that would be detrimental to ultimate project implementation, to the satisfaction of the Director of Planning & Development Services, approval of other engineering plans and or issuance of other project permits may be permitted as long as there is no risk of effects to public health and safety. Concurrence from the [DEH, SAM] is required, and the applicant shall enter into a secured agreement for the completion of the remediation work.

Documentation: The applicant shall contract with A California Licensed Environmental Consultant company to prepare the SMP and implement any required work plan for soil remediation. The applicant shall also enroll in the VAP or LOP and pay all applicable fees for review and completion of this requirement. Upon completion of the VAP or LOP, a "Closure Letter" from [DEH, SAM] shall be submitted to the [PDS, PCC] for approval. **Timing:** Prior to approval of any grading and or improvement plans, issuance of any construction, building or any other permit (except for any grading plan or permit required for the remediation work), and prior to commencement of any

construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **Monitoring:** The [DEH, SAM] shall oversee the progress of the remediation project. Upon Completion of the remediation project the [DEH, SAM] shall issue a "Closure Letter" to the applicant. The [PDS, PCC] shall review the closure letter for compliance with this condition.

ONGOING: *(The following conditions shall apply during the term of this permit).*

10. GEN#1—MAXIMUM OPERATIONAL LIMITATIONS

INTENT: In order to stay within the parameters that were analyzed, maximum mining limitations shall be placed on the project. **DESCRIPTION OF REQUIREMENT:** A maximum total of 300,000 tons is permitted to be mined and removed from the site in any one calendar year.

DOCUMENTATION: Mining operation annual reports which are required to be submitted by the mine operator to the Department of Conservation shall document the amount of material mined from the previous year. **TIMING:** Upon establishment of the use, this condition shall be complied with for the term of this permit. **MONITORING:** [PDS, PCC] shall review mining operation annual reports to determine compliance with the condition.

11. GEN#2—HOURS OF OPERATION [PDS, PCC], [OG]

INTENT: In order to ensure adequate public health and safety throughout the duration of the permit and reclamation of the project, hours of operation will be limited.

DESCRIPTION OF REQUIREMENT: The mining operation and reclamation activities shall be limited to daylight hours only between 6:00 a.m. and 5 p.m. Monday through Saturday. No materials extraction operations, screen, crusher, or washer operation shall occur before 7 a.m. **DOCUMENTATION:** No documentation of this condition is necessary. **TIMING:** This applies throughout the duration of the permit and reclamation plan. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit and reclamation plan.

12. GEN#3—OUTDOOR LIGHTING [PDS, PCC], [OG]

INTENT: Since lighting was not identified and analyzed with this Major Use Permit, outdoor lighting is prohibited to be used for any extraction or reclamation operations.

DESCRIPTION OF REQUIREMENT: No outdoor lighting shall be permitted for extraction operations or during reclamation. **DOCUMENTATION:** No documentation of this condition is necessary. **TIMING:** This applies throughout the duration of this permit and reclamation. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit and reclamation plan.

13. AIR#1—AIR QUALITY CONSTRUCTION EXHAUST

INTENT: In Order to mitigate for exhaust emissions (NO_x, PM₁₀, and PM_{2.5}) from heavy-duty construction equipment **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following Air Quality measures:

- a. The entire construction fleet will be required to utilize California Air Resources Board (CARB)-certified Tier 2 or better equipment and equipped with diesel particulate filters.

DOCUMENTATION: The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of all grading/grubbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

14. AIR#2–AIR QUALITY CONSTRUCTION DUST

INTENT: In order to mitigate for fugitive dust emissions (PM₁₀ and PM_{2.5})

DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measures:

- a. A minimum of two applications of water will be applied during grading/grubbing activities between dozer/scrapper passes, as necessary.
- b. Water will be applied at least two times daily to all onsite unpaved roadways
- c. A 15-mile per hour (mph) speed limit will be enforced on unpaved surfaces.
- d. Haul trucks hauling dirt, sand, soil, or other loose materials will be covered or two feet of freeboard will be maintained.
- e. All long-term stockpiles must have a landscaped cover to reduce dust. All short-term stockpiles must be wetted daily.
- f. When active construction ceases on the site, disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County and/or SDAPCD to reduce dust generation.
- g. Sweepers or water trucks will be used to remove “track-out” at any point of public street access.
- h. In accordance with the SDAPCD Rule 55 - Fugitive Dust Control, no dust and/or dirt will leave the property line. The following measures would be implemented to ensure the requirements of this rule are met:
 - i. Airborne Dust Beyond the Property Line: No person will engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
 - ii. Track-out/Carry-out: Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out will be minimized by the use of any of the following erosion control measures:
 1. Track-out grates or gravel beds at each egress point
 2. Wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks
 3. Secured tarps or cargo covering, watering, or treating of transported material
 4. Removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street

sweeper is used to remove any track-out/carry-out, only particulate matter smaller than 10 microns in diameter (PM10)-efficient street sweepers certified to meet the most current South Coast Air Quality Management District (SCAQMD) Rule 1186 requirements will be used. The use of blowers for removal of track-out/carry-out will be prohibited under any circumstances.

DOCUMENTATION: The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading/ grubbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

15. GEO#1–SLOPE STABILITY [PDS, PCC], [OG]

INTENT: In order to ensure adequate slope stability and public health and safety throughout the duration of this mining project, slope ratios for cut and fill slopes shall be in compliance with maximum slope inclinations shown on the Plot Plan. **DESCRIPTION OF REQUIREMENT:** Cut and fill slopes shall be maintained at a maximum slope inclinations shown on the Plot Plan throughout the duration of this mining project. This applies to excavation slopes and final slopes. **DOCUMENTATION:** No documentation is required. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this condition.

16. GHG#1–CLIMATE CHANGE CONSTRUCTION

INTENT: In order to reduce construction-generated GHG emissions and impacts on global climate change associated with the use of heavy-dusty diesel equipment, the project shall comply with the following measures. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following measures:

- a. In accordance with the San Diego County Climate Action Plan (CAP), the project would comply with CAP Measure A2: Field Equipment Fuel Efficiency by ensuring that the entire construction fleet would consist of California Air Resources Board (CARB)-certified Tier 2 or better equipment.

DOCUMENTATION: The applicant shall comply with the recycling requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of all construction activities. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the recycling requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

17. GRNDWTR#1–GROUNDWATER MONITORING

INTENT: In order to comply with groundwater production limitations and to keep a record of ongoing water levels, groundwater production and water level monitoring shall be conducted for the life of the project.

DESCRIPTION OF REQUIREMENT: The following shall be required:

- a. The volume of groundwater used at the project site shall be monitored using two methods to account for different groundwater use processes as follows:

- i. Groundwater from Pumped Wells: Well 1 shall be equipped with a totalizing flow meter to measure groundwater production. Groundwater pumping from any additional wells at the site requires approval from [PDS, PRP] prior to use and would require a totalizing flow meter to be installed. Flow meter readings shall be recorded on a monthly basis.
 - ii. Groundwater from Evaporative Losses: Evaporative losses shall be documented once annually by measuring the size of the East County Sand Mine ponds based on vertical aerial imagery taken each year. An estimate of evaporative loss from the on-site ponds shall be based on the net estimated evaporative demand of 36.2 inches multiplied by the areal extent of the ponds.
- b. Groundwater used from all pumped wells at the site combined with evaporative losses from the on-site ponds shall not exceed 45 acre-feet per year based on a five-year running average. Additionally, groundwater from all pumped wells combined with evaporative losses from the on-site ponds shall not exceed 50 acre-feet during any individual year. The annual production monitoring period shall be measured from July 1st through June 30th each year.
- c. Water level data shall be collected as follows:
- i. Groundwater levels shall be measured once a month from Well 3, located on the northern boundary of the site. The well shall be monitored in accordance with the recommendations contained within the Groundwater Monitoring Plan that was prepared for the project.
 - ii. The water surface elevation of the East County Sand Mine ponds shall be derived from annual aerial topography required to be flown for the project.

DOCUMENTATION: The following are reporting requirements:

- a. Groundwater production data and water level data shall be prepared by a California Professional Geologist and reported on an annual basis for the time period July 1st through June 30th. The annual groundwater monitoring report shall be submitted to [PDS Groundwater Geologist] by July 31st each year.
- b. If groundwater production is exceeded pursuant to Description of Requirement b. above, pumping of groundwater shall cease at the site and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within five working days of the exceedance. For any exceedance, groundwater pumping shall cease until July 1st which is the first day of the new monitoring year.

TIMING: Upon establishment of the use, the condition shall be complied with for the term of this permit. **MONITORING:** The [PDS, Groundwater Geologist] shall review all annual groundwater monitoring reports to ensure that the project complies with on-going groundwater production conditions. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

18. HAZ#2-VECTOR MANAGEMENT PLAN

INTENT: In order to avoid hazards associated with vectors and to comply with the project design, the Vector Management Practices identified in the *Vector Control Plan* dated December 31, 2012, shall be implemented. **DESCRIPTION OF REQUIREMENT:** Implement the Vector Control Plan to the satisfaction of the Director of DEH. The

implementation shall be substantially consistent with the approved Vector Control Plan. Implementation shall include but is not limited to the following:

- a. Stocking mosquito fish (*Gambusia affinis*) in the extraction ponds at a ratio of one fish for every 200 square feet of pond surface area
- b. Cutting of vegetation within the retention basins to a height of six inches or less
- c. Monthly removal of sediment collected in the retention basins
- d. Removing trash and debris from the retention basins and the entire site regularly
- e. Making any necessary repairs to maintain the functionality of the retention basins
- f. Keeping garbage cans tightly covered at all times to protect from rodents
- g. Stacking wood at least 18 inches above the ground
- h. Removal of heavy ornamental vegetation away from fences

Documentation: The property owner and permittee shall comply with the requirements of the approved *Vector Control Plan*, DEH and this condition. If the permittee or property owners choose to modify or deviate from the approved *Vector Control Plan* in any way, they must obtain approval from the County [PDS]. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [PDS, Code Compliance Division] is responsible for enforcement of this condition.

3b. Critical Project Design Elements That Must Become Conditions of Approval for Reclamation Plan RP09-001:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

ANY PERMIT: (Prior to occupancy or use of the premises in reliance of this Reclamation Plan).

1. **GEN#1-AGREEMENT PERMITTING RIGHT OF ENTRY: [PDS PCC], [UO] [PDS, FEE] INTENT:** In order to comply with County of San Diego Regulatory Ordinances Section 87.707, an Agreement must be entered into allowing the County to enter the property for inspections or for the purpose of correcting any unsafe conditions resulting from the breach of any provisions of the Reclamation Plan, Grading Ordinance, other Ordinance or any other law to which the project and/or property is subject.. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original 'Agreement Permitting Right of Entry on Real Property' to PDS. **DOCUMENTATION:** Signed and notarized original 'Agreement Permitting Right of Entry on Real Property' shall be submitted to PDS PCC. **TIMING:** Within 30 days of approval of this Reclamation Plan, a signed and notarized copy of the 'Agreement Permitting Right of Entry on Real Property' shall be recorded by PDS at the County Recorder's Office. The applicant will be required to pay for the recording fee. **MONITORING:** The PDS Zoning Counter shall verify that the 'Agreement Permitting Right of Entry on Real Property' was recorded and that a copy of the recorded document is on file with the PDS PCC.

ONGOING: *(The following conditions shall apply during the term of this permit).*

2. GEN#2-ANNUAL INSPECTION DEPOSIT ACCOUNT [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.710, an annual inspection deposit account shall be setup and funded for the life of the Reclamation Plan. This account will continue to be funded as determined by annual review. **DESCRIPTION OF REQUIREMENT:** The applicant shall initially fund a deposit account with PDS in the sum of \$2,000. The deposit account number shall be setup as 3998 11-001. Thereafter, the Director of PDS will determine the amount of deposit based on the cost to inspect the surface mining operation. If the Director determines the annual inspections should include volume calculations or a boundary survey, the cost of this work shall be included in the deposit. The Director of PDS shall notify the mining operator of the amount of the required deposit. **DOCUMENTATION:** A receipt of payment into deposit account 3998 11-001 is required to be given to the PDS PCC. **TIMING:** Prior to use in reliance of this Reclamation Plan, the inspection deposit account shall be funded with at least \$2,000. Annual deposits thereafter shall be required to be made no later than July 1st of each year. **MONITORING:** The PDS PCC shall verify that the inspection account is setup, funded, and maintained.

3. GEN#3-FINANCIAL ASSURANCE ESTIMATE [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, the surface mining operator shall provide an estimate of the cost of reclamation by a state-registered civil engineer. The estimate is required in order to prepare the secure financial assurance. **DESCRIPTION OF REQUIREMENT:** Within 120 days of project approval and thereafter by July 1st of each year, a financial assurance cost estimate shall be prepared and submitted to the PDS PCC. **DOCUMENTATION:** A Financial Assurance Cost Estimate prepared by a state-registered civil engineer. **TIMING:** Prior to use in reliance of this Reclamation Plan, the financial assurance cost estimate shall be submitted, reviewed, and approved by PDS and thereafter by July 1st of each year. **MONITORING:** The PDS PCC shall verify the financial assurance cost estimate is adequate. The financial assurance cost estimate shall be forwarded to the California Department of Conservation for review at least 45 days prior to County approval.

4. GEN#4-FINANCIAL ASSURANCE MECHANISM [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, financial assurances shall be provided to assure the site is reclaimed in accordance with the requirements of the approved Reclamation Plan. Financial assurances shall not be released until reclamation is deemed complete by the County of San Diego. **DESCRIPTION OF REQUIREMENT:** The financial assurance shall be made payable to the Director of PDS and the California Department of Conservation and may take the form of surety bonds, irrevocable letters of credit, trust funds, or other forms of financial assurance adopted by the State Mining and Geology Board, which the County reasonably determines will be readily available to pay for reclamation in accordance with the surface mining operation's approved Reclamation Plan. The financial assurances shall be in an amount equal to the cost to reclaim, in accordance with the requirements of the approved Reclamation Plan, all disturbed, unreclaimed lands and all acreage expected to be disturbed in the forthcoming year, to a condition

that will not constitute a danger to public health and safety and that will provide for the type of reclamation required in the Reclamation Plan. **DOCUMENTATION:** An original financial assurance document shall be provided to PDS PCC. **TIMING:** Prior to use in reliance of this Reclamation Plan, the notarized financial assurance document shall be submitted and thereafter shall be provided within 60 days of approval of each annual financial assurance estimate. **MONITORING:** The PDS PCC shall verify the financial assurance documentation is adequate.

5. GEN#5-SUCCESSOR-IN-INTEREST [PDS, PCC], [OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.711, whenever any surface mining operation or portion of an operation is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Reclamation Plan. Additionally, in order to comply with County of San Diego Regulatory Ordinances Section 87.711, whenever any surface mining operation is transferred, the new owner shall meet all provisions of Section 87.701 et seq. of the County Regulatory Ordinance, including the requirement to sign an agreement as required, by Condition GEN#1 of this Reclamation Plan.

DESCRIPTION OF REQUIREMENT: The following is required:

- a. Notification of the transfer of the surface mining operation shall be provided to the PDS PCC no later than 30 days from the date of the transfer.
- b. The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original 'Agreement Permitting Right of Entry on Real Property' to the PDS PCC.

DOCUMENTATION: Evidence of the transfer and 'Agreement Permitting Right of Entry of Real Property' shall be provided to the PDS PCC. **TIMING:** No later than 30 days from the date of the transfer, the evidence of the transfer shall be provided along with the 'Agreement Permitting Right of Entry of Real Property'. **MONITORING:** The PDS PCC shall verify adequate documentation has been provided regarding the transfer and Agreement.

6. GEN#6-AERIAL TOPOGRAPHY [PDS PCC], [OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.710, aerial photographs shall be provided of the mine site on an annual basis.

DESCRIPTION OF REQUIREMENT: The mining operator or permittee shall provide to the Director of PDS by each July 1st aerial photographs of the mining site taken in the same month of the second quarter of each year. The aerial photographs shall consist of:

- a. Defined, marked, and permanent ground controls; and
- b. Planimetric map of the mining site based on the aerial models with 5' contours and drawn to a scale of 1" = 200'.
- c. The Reclamation Plan boundaries and mine boundary shall be shown on the aerial topography.

Upon written request of a mining operator or permittee, the Director of PDS may, for just cause and at his or her discretion, waive the requirement for the aerial photographs on an annual case by case basis, or may adjust the quarter of each year in which the aerial

photographs are taken. Such request is required to be made by June 1st of any given year.

DOCUMENTATION: Aerial topography of the site shall be provided on an annual basis to the PDS PCC. **TIMING:** The aerial topography is due by July 1st of each year unless waived by the Director of PDS. **MONITORING:** The PDS PCC shall verify the aerial topography is adequate.

7. GEN#7-INERT DEBRIS FILL OPERATION [PDS, PCC], [OG]

INTENT: In order to ensure that the proposed inert debris fill operation is in compliance with local and state regulations, the operator will be required to obtain proper permits or oversight through the Department of Environmental Health Local Enforcement Agency. **DESCRIPTION OF REQUIREMENT:** Prior to operation of the proposed inert debris fill operation the mine operator shall consult with the Department of Environmental Health (DEH) Local Enforcement Agency (LEA) to determine the appropriate level of regulatory oversight or permitting. **DOCUMENTATION:** The consultation shall be in writing to the LEA and shall be submitted both to the LEA and the PDS PCC. **TIMING:** Prior to commencing with the inert debris engineered fill operation at the site. **MONITORING:** The PDS PCC shall review and verify with the LEA that the project has adequate regulatory oversight or permitting prior to allowance of the inert debris fill operation to commence.

8. GEN#8-SOIL STOCKPILE [PDS, PCC], [OG]

INTENT: In order to comply with the Surface Mining and Reclamation Act of 1975, the project shall include soil stockpiling to aid in future revegetation of the site. **DESCRIPTION OF REQUIREMENT:** Approximately 20,000 cubic yards of topsoil from the extraction of Areas 1E, 2E, and 3E will be stockpiled along State Route 67 and landscaped in the locations indicated on Sheet 14 Landscape Conceptual Plan: Extraction Phase dated June 6, 2014. **TIMING:** Soil shall be stripped from extraction areas 1E, 2E, and 3E at the time each area is excavated. **MONITORING:** The PDS, PCC shall review for compliance with this condition.

RECLAMATION PLAN COMPLETION: *(Prior to completion of reclamation, and prior to the release of financial assurances).*

9. GEO#2-COMPACTION OF FILLS [PDS, PCC], [PC]

INTENT: In order to have properly compacted fill, the project is required to comply with the compaction of fill requirements within the County Grading Ordinance. **DESCRIPTION OF REQUIREMENT:** To ensure proper compaction of fills, fills will be required to be compacted to comply with County of San Diego Regulatory Ordinances Section 87.712. **DOCUMENTATION:** If the project end use within the area to be compacted includes any permanent structures, a soil engineer's report shall be submitted indicating whether all fills were compacted to a minimum of 90% of maximum density. If the project end use within the area to be compacted will be open space, a soil engineer's report certifying that the soil engineer has investigated the property, made soil tests, and that in the engineer's opinion such lower degree of compaction will be adequate for the intended use of the property and that use shall be described in the report. The soil engineer's report shall be submitted to PDS PCC. **TIMING:** The submittal of the soil engineer's report will be required after reclamation grading activities

have been completed. **MONITORING:** The PDS PCC shall review and verify the adequacy of the soil engineer's report.

10. GEO#3-FINAL SLOPE GRADING [PDS, PCC], [PC]

INTENT: In order to ensure slopes and final grading are in conformance with the Reclamation Plan. **DESCRIPTION OF REQUIREMENT:** Slopes and final grades shall be in substantial conformance with final slope inclinations and grades shown on the Reclamation Plan. **DOCUMENTATION:** A final aerial topographic survey of the mine site shall be prepared and submitted to PDS PCC. **TIMING:** The submittal of the aerial topography will be required after reclamation grading activities have been completed. **MONITORING:** The PDS PCC shall review and verify that all slopes and grades are in substantial conformance with the Reclamation Plan.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

County of San Diego Planning Commission

on _____

Mindy Fogg, Planning Manager
Project Planning Division